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Steven B. Barger

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

STEVEN B. BARGER, an individual

Plaintiff

v.

FIRST DATA CORPORATION et al.

Defendants.

Case No. 1:17-cv-4869-FB-LB

**PLAINTIFF'S MOTION TO
EXPEDITE/SHORTEN TIME - PLAINTIFF'S
72(a) OBJECTION [ECF 64]**

(Assigned to the Honorable Frederic Block)

**PLAINTIFF'S MOTION TO EXPEDITE/SHORTEN TIME
FOR 72(a) OBJECTION [ECF 64]**

Plaintiff Steven B. Barger submits this Motion to Expedite/Shorten Time for the completion of any necessary briefing and hearing on Plaintiff's Rule 72(a) Objection [ECF 64].

1. On August 17, 2018, by minute entry order, Magistrate Judge Bloom granted Defendants' Motion for Extension of Time to Complete Discovery [ECF 54] and the parties were ordered to complete all fact and expert discovery by September 28, 2018.

2. On August 22, 2018, Plaintiff filed its Second Motion to Compel 30(b)(6) Designation and Deposition [ECF 55] ('Motion to Compel').

3. On September 4, 2018, after hearing, by minute entry order, Magistrate Bloom denied the

Motion to Compel.

4. On September 13, 2018, Plaintiff filed a Rule 72(a) Objection to Denial of Motion to Compel 30(b)(6) Designations and Depositions [ECF 64] (“72(a) Objection”) seeking review of the denial of the Motion to Compel and orders to compel the designation and deposition of 30(b)(6) topics by the corporate defendant, Frist Data, on the four identified topics within the 72(a) Objection.

5. The discovery deadline for fact and expert discovery is September 28, 2018, leaving little time to fully brief the 72(a) Objection and then complete, if ordered, the 30(b)(6) depositions.

6. Accordingly, the Plaintiff requests that any opposition to the 72(a) Objection be ordered to be filed by Friday, September 21, 2018, and order that Plaintiff’s reply be filed by Monday, September 24, 2018, and any resulting ordered 30(b)(6) depositions to be completed on September 27th and/or 28th in Brooklyn, New York.

Respectfully Submitted,

THE LAW OFFICE OF SHAWN SHEARER, P.C.

/s/ Shawn Shearer
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Attorney for Plaintiff
Steven B. Barger

CERTIFICATE OF SERVICE

I hereby certify that on September 14, 2018, I transmitted the attached Motion to Expedite/Shorten Time - Rule 72(a) Objection [ECF 64] to the following CM/ECF registrants via e-mail to each of their CM/ECF registered e-mail addresses.

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